

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claim 1 is amended.

In the Office Action, claims 1-3 and 7-9 were rejected under 35 U.S.C. §102(b) over DE 100 57 673 (as translated in U.S. 6,536,351). The rejection is respectfully traversed.

Claim 1 includes the feature of heavy metal fragments filing at least half of the hollow space in the projectile casing. In contrast, DE 100 57 673 fills substantially all of its casing with explosive charge 5 and only a very small portion of the casing with fragment plate 4.

Claim 1 also includes the feature of an ejector charge disposed at the rear of the hollow space to eject the fragments from the projectile casing, when activated, during the flight of the projectile, the ejector charge causing the projectile casing to rupture at most at an opening in the front of the projectile casing through which the fragments are ejected. In contrast, DE 100 57 673 discloses an explosive charge 5 that ruptures the casing at many points. In addition, even if the portion of explosive charge 5 that is labeled as 7 is considered to be for only ejecting the fragment plate 4, it is respectfully submitted that portion 7 is not "disposed at the rear of the hollow space" as required by claim 1. It is further noted that there is no teaching in DE 100 57 673 that portion 7 is for only ejecting the fragment plate 4 and it is submitted that portion 7 would rupture the casing surrounding portion 7 in all directions.

In light of the above, it is respectfully submitted that DE 100 57 673 does not disclose each and every feature of claims 1-3 and 7-9 and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 4-6 were rejected under 35 U.S.C. §103(a) over DE 100 57 673 in view of U.S. Patent No. 4,970,960 to Feldmann. The rejection is respectfully traversed.

Because Feldmann does not remedy the deficiencies of DE 100 57 673 discussed above, it is respectfully submitted that the combination of DE 100 57 673 and Feldmann does not suggest

the features of claims 4-6 and, therefore, rejection under 35 U.S.C. §103(a) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In view of the forgoing, applicants respectfully submit that the application is in condition for allowance.

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Respectfully submitted,

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